



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Staff
DATE: October 29, 2013
SUBJECT: 20 Hawley Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.49-1-22
CASE: 2013-60

A. REVIEW REQUESTED

This application would provide for the construction of two 5-story additions, containing a total of 40 residential units, at the property known as 20 Hawley Street. The site is currently improved with a mixed-use development, consisting of residential units occupying the 2nd-9th floors (80 units/253 bedrooms) and portions of the 1st floor (11 units/39 bedrooms) with the remainder of the ground floor reserved for commercial occupancy. The proposed addition would add 90,000 square feet of floor area to the existing building and would accommodate 40 new units and 180 bedrooms.

The site is located in the C-2 Downtown Business District. The proposed project requires Series A Site Plan and Special Use Permit approval for new construction of an addition with Dwelling Units Containing More Than 4 Bedrooms.

B. ADDITIONAL REVIEWS

239 L&M Review (Broome County Department of Planning & Economic Development, BMTS, NYSDOT)

- The proposed project is within 500 feet of a state road and a Broome County-owned facility, and is therefore subject to 239 distribution and comment by Broome County Department of Economic Development & Planning.

Waterfront Advisory Committee

- The proposed project is located within the boundaries of the Local Waterfront Revitalization Project (LWRP) and therefore requires review by the Waterfront Advisory Committee (WAC).

The applicant has also requested confirmation from the Superintendent of Building and Construction, as the official responsible for enforcement of the Zoning Code, that the off-street parking requirement for this project would be met pursuant to Section 410-51 which states that required off-street parking may be provided in a private or public off-site parking facility that is located within 800 feet to the closest lot line of

a building. The subject site is located less than 150 feet from two public parking facilities. (See attached)

C. SITE REVIEW

The property known as 20 Hawley Street is a rectangular-shaped parcel containing approximately 1.72 acres of land. It is bound by Hawley Street to the north, State Street to the east, Stuart Street to the south, and Washington Street to the west. The site is improved by a nine-story structure, 2 one-story “annex buildings,” and a landscaped plaza in the center of the property. Prior to the existing mixed-use occupation, the existing structures had been utilized for a variety of uses, including a bank.

The subject site offers 174 parking spaces in a sub-surface garage for tenant use, is located in close proximity to many on-street metered parking spaces, and is within less than 150 feet of two public parking facilities. Bicycle racks accommodating 54 bicycle parking spaces are located outside 3 access points to the primary structure, and 18 bicycle parking spaces are offered with the sub-surface garage. Public transportation serves the site in the form of 2 bus services, Broome County Transit and Off Campus College Transport, Inc. OCC Transport is a free shuttle for Binghamton University students to its Vestal campus that operates during the academic year (2 stops an hour, Monday thru Friday (7:00am-1:00am) and hourly service on weekends) from the University Downtown Center located ~150 feet from the subject property. A new B.C. Transit bus stop will be added at the northwest corner of the site, including new a new bus shelter and benches to be installed by the application. Additionally, 6 BC Transit bus route stops are located within close proximity of the site.

Land use in the vicinity of 20 Hawley Street is primarily mixed-use, multi-story structures and public buildings. The Broome County Veterans Memorial Arena is located to the south of the site, a commercial plaza containing a Holiday Inn hotel is located to the west, and Government Plaza to the east. The Collier Street Public Parking Garage occupies the northeast corner of State Street and Hawley Street, the Bache Building (professional offices) occupies the northwest corner. The Binghamton University Downtown Center (UDC) is located southwest of the subject property on Washington Street.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

20 Hawley Street: On August 2, 2010, the Planning Commission granted SUP/Series-A Site Plan approval for a mixed-use project involving the conversion of existing primary structure’s (former Marine Midland Bank) 2nd-9th floors to residential units (55 units/210 bedrooms) to multi-unit dwelling, with the 1st floor and two on-site annex buildings reserved for commercial use.

20 Hawley Street: On May 2, 2011, the Planning Commission granted SUP/Series A Site Plan Modification approval for modifications to a previously approved (August 2, 2010) mixed-use project in the C-2 District, to convert the 2nd-9th floors of the primary structure to 80 units/253 bedrooms, and convert portions of the 1st floor and annex buildings to residential units (11 units/39 bedrooms).

20 Hawley Street: On June 1, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant, Take-Out/Carry-Out for Brewed Awakenings Café within a ~2,000 SF 1st floor tenant space.

15 Hawley Street: On June 12, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant and Tavern for Zona Restaurant, with a condition:

20 Hawley Street: On September 26, 2013, the applicant withdrew an application to for Series A Site Plan/SUP to construct an addition containing 40 residential units to the existing building.

20 Hawley Street: On September 26, 2013, the applicant withdrew an application for an area variance for parking.*

* The applicant previously applied for an area variance for parking associated with the construction of an addition containing 40 residential units. The previous variance application was withdrawn by the applicant because off-street parking can be provided in a public off-street parking facility pursuant to Section 410.51E (1) (see written determination from the Superintendent of Building and Construction attached).

Two prior projects, 7 Court Street and 63 Court Street, applied for and were granted area variances for off-street parking associated with new construction in the C-2 Zone. Planning Staff, in consultation with Corporation Council, advise the applicants of these projects that area variances for parking were required because long term leases in the public parking facilities could not be obtained and that there was no other form to which Corporation Council would accept as guarantee that parking spaces within public parking facilities would remain available to these projects. This determination, which was made without consultation with the Supervisor of Building and Construction, the official responsible for enforcement of the Zoning Code, was based on incorrect application of Section 410.51E(2). This Section states that when required parking facilities are to be provided on *private land*, remote from the lot on which the building or use to be served is located, use of such off-site parking facility shall be approved only when written assurance is made that the *private* off-site parking will continue to be available to the building or use it is intended to serve; *the form of such assurance shall be determined by Corporation Council* (emphasis added). This section was incorrectly applied to all public and private off-street parking facilities but should not have been applied to the downtown parking ramps (Collier, Water and State Street ramps) because they are *public off-site parking facilities* located on *public land*.

It should be noted that the parking variances for 7 Court Street and 63 Court Street were granted unanimously by the Zoning Board of Appeals. The Board found in each case that granting the parking variances would not be detrimental to nearby properties and would not adversely impact the district based upon available parking located within downtown parking ramps.

E. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

The Comprehensive Plan, adopted in 2003, identifies the subject site as located within the Downtown/Intown District. The plan for development within this district includes an Action Step that downtown buildings should “be required to include a mix of uses, with people generating activities at the ground level (e.g. stores, restaurants) and upper levels to include office and residential units. Creating this mix will provide greater potential for both day and evening activities downtown.”

The Local Waterfront Revitalization Plan states that the “zoning code should be updated to allow for mixed-use, increased density, and reduced parking requirements”.

The BC PLAN states: “...downtown revitalization should be careful not to fall victim to redevelopment plans that seek to suburbanize downtowns with excess parking or buildings that do not fit into the urban fabric...” and recommends revising “parking codes that reduce required parking and enable shared parking with mixed uses and incentives for covered, structure parking that reduced overall paved surfaces”.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

G. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 for approval of a Special Use Permit must

be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

H. STAFF FINDINGS

Planning Staff recommend that the proposal be **Approved** based on the following findings:

The requirements of Section 410-47 for a Series A Site Plan Review nor the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

The proposed project would complement the existing character of the neighborhood, which is a dense downtown district with many multi-story, mixed-use, zero-lot-line structures.

The close proximity of a public parking facilities, ample access to public transportation, on-site bicycle parking accommodations, and on-site parking spaces, would meet the transportation demand of the proposed project.

The proposed project would result in optimal utilization of land in the downtown core, in a manner consistent with the Comprehensive Plan, the BC Plan and the LWRP. The project would allow further realization of important goals of population density and street-level vibrancy in the City's downtown district.

I. SUGGESTED CONDITIONS

If the Planning Commission approves to this project, Staff recommends that the following conditions of approval be included:

1. This approval is subject to the site plan, site improvement plans, floor plans and building elevations dated October 2, 2013 and stamped received October 4, 2013.

J. ENCLOSURES

Enclosed is a copy of the submitted site plan, floor plans and elevations, an application and site photographs.